

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
T2315-904733

First named inventor: Eugene P. Goldberg

Group Art Unit: 1617

Application Number: 08/141,017

Examiner: Edward J. Webman

Filed: October 26, 1993

Title: Method of and Composition for Preventing Tissue Damage

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☐ small entity - fee \$ _____ (37 CFR 1.17(l)).
☐ small entity statement enclosed herewith.
☐ small entity statement previously filed.
☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

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2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Petition to support withdrawing Notice of Abandonment (identify the type of reply)

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$

- ☐ has been paid previously on _____
☐ is enclosed herewith.

Ad just made	On 07/17/2003	AKELLEY	
07/02/2003	00000018	08141017	
01 FC:145			-110.00 OP
Ad just made	On 07/17/2003	AKELLEY	
07/02/2003	00000018	08141017	
02 FC:145			-110.00 OP
Refund Ref			
07/17/2003	AKELLEY	0000129057	
CHECK REFUND Total:			\$220.00

07/02/2003 AWONDAF1 00000018 08141017

01 FC:1452 110.00.00

[Pag 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the nature of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patent Examination, Washington, DC 20231.



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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ 110.00 for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

June 30, 2003

Date

Signature

Telephone

Number: (703) 903-9000

Dennis P. Clarke

Typed or printed name

Miles & Stockbridge P.C.

Address

1751 Pinnacle Drive, McLean VA 22102, Suite 500

Enclosures: ☒ Fee Payment

☒ Reply

☒ Terminal Disclaimer Form

☐ Small Entity Status Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ _____

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

June 30, 2003

Date



Signature

Dennis P. Clarke, Reg. No. 22,549

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Applicant petitions the Commissioner for Patents, for the revival of application Serial No. 08/141,017 filed October 26, 1993. Applicant never received the non-final Official Action mailed August 7, 2002, to the Attorney of Record's previous mailing address. Applicant filed several Status Inquiries (on April 7, 1999, May 26, 2000, September 21, 2000, and November 20, 2001) and a Change of Address (on November 20, 2001).

In a conversation between the Examiner and the Secretary to the Attorney of Record, the Examiner noted that the correspondence filed was never matched up with the application file in the Patent & Trademark Office.

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(Please attach additional sheets if additional space is necessary)